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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/181,267	10/28/98	FUWAUSA	M 3715/1

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MM42/1126

EXAMINER

SIKDER, M

ART UNIT

PAPER NUMBER

2872

DATE MAILED: 11/26/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/181,267

Applicant(s)
Fuwausa

Examiner
Mohammad Y. Sikder

Group Art Unit
2872

☒ Responsive to communication(s) filed on Oct 28, 1998

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-15 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-15 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. **Claims 1, 3-15 are rejected** under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, lines 3-4, the word "or" fails to particularly point out the invention, because it is not clear if the applicant intends to claim said unit being made of a transparent or said unit being made of a translucent material.

Claim 2 recites the limitation "said graphic image" in line 1. There is insufficient antecedent basis for this limitation in the claim.

The dependent claims are rejected for the same reason as set forth above.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 1-5, 9-13 are rejected** under 35 U.S.C. 102(b) as being anticipated by Ku (5,147,129).

Ku (5,147,129) shows (see fig 1):

- a) a unit 160 having top surface and a graphic image 185 visible on said top surface, said unit being made of a transparent, said unit having a cavity 130; and a light source 171 disposed in said cavity and arranged to disperse light through said unit, as claimed in claim 1,
- b) said graphic image 185 is formed on said top surface, as claimed in claim 2,
- c) said light source is an LED, as claimed in claim 3,
- d) said light source includes an LED, a power source 191 and a switch C1 for selectively activating said LED, as claimed in claim 4,
- e) a power source 191 coupled to said light source 171, as claimed in claim 5,
- f) a unit made of a flexible transparent material, said unit bearing a graphic image and having a cavity; and a light source disposed in said cavity and arranged to disperse light through said unit to illuminate said graphic image, as claimed in claim 9,

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- g) said unit includes a circumferential rim for mounting said unit, as claimed in claim 10,
- h) said light source includes an LED, a power source and a switch for activating said LED, as claimed in claim 11,
- i) said housing containing said LED, said power source and said switch source includes a housing, said housing containing said LED, said power source and said switch, as claimed in claim 12,
- j) separate housing including a power source for said light source, as claimed in claim 13.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6-8, 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ku (5,147,129).

As set forth above Ku (5,147,129) discloses the invention substantially as claimed except for:

- a) a switch for selectively activating said light source, as claimed in claims 6, 14-15

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b) the decorative device activates said light source in a cyclic pattern, as chimed in claims 7, 8.

Regarding the features of a switch for selectively activating said light source, the decorative device activates said light source in a cyclic pattern, Official Notice is hereby taken that it is well known in the decorative art to provide a switch for controlling light source, to provide decorative device for activating said light source in a cyclic pattern. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Ku (5,147,129) such that to provide a switch for controlling light source, to provide decorative device for activating said light source in a cyclic pattern for better viewing.

CONTACT INFORMATION

Papers related to this application may be submitted to Group 2870 by facsimile transmission.

Papers should be faxed to Group 2870 via the PTO Fax center located in the Crystal Plaza 4.

Faxing of such papers must conform with the notice published in the official Gazette, 1096 OG 30 (November 15, 1989). The CP-4 Fax Center number is (703) 308-7722.

Any inquiry of a general nature or relating to the status of this application should be directed to M. Sikder whose telephone number is (703) 305-5471.

M. Sikder

November 22, 1999

